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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,280

Applicant(s)

JACKSON ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed 2/22/05.
2. Claims 1-75 are pending in this office action.

Response to Amendment/Arguments

3. Applicant's arguments with respect to claims 1-75 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Objections

5. Claims 7 and 12 are objected to because of the following informalities:
 - a. In Claim 7, "identify" should be "identity".
 - b. Claim 12 states the phrase, "updating user preference information-
simplifying device control for the user/handling a user schedule" (emphasis added). It is not clear if the "-" and "/" symbols emphasized above, were used to separate the limitations as normally done by a ";", or if the entire phrase is intended to be a distinct limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 45, 69 and 70 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. Claim 45 describes a computer program for controlling a computer system. However, MPEP 2106 states, "Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized." As such, Claim 45 is directed to non-statutory subject matter.

9. Claim 69 is not limited to tangible embodiments. In view of Applicants' disclosure, specification page 40, lines 7-16, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. semiconductor memory, optical memory device, or other memory device) and intangible embodiments (e.g., fixed in any form in a signal). As such the claim is not limited to statutory subject matter and is therefore non-statutory.

10. Claim 70 is not limited to tangible embodiments. A data signal is not a tangible embodiment. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-5, 7-16, 18-24, 26-35, 37-40, 42-48, 50-59, 61-64 and 66-75 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,331,972 by Harris et al. (Harris).

13. With respect to Claim 1, Harris teaches a method for providing a personalized service in a communication system, the method comprising: detecting physical presence of a user (Col. 6 lines 20-45), wherein the detecting includes a determination based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system (Col. 6 lines 20-45); and providing the personalized service to the user based upon the physical presence of the user (Col. 6 lines 20-45 and Col. 9 line 52 - Col. 10 line 23).

14. With respect to Claim 2, Harris teaches all the limitations of Claim 1 and further teaches wherein detecting the physical presence of the user comprises: using a detector to detect the physical presence of the user (Col. 6 lines 20-45 and Col. 9 lines 10-20).

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15. With respect to Claim 3, Harris teaches all the limitations of Claim 1 and further teaches wherein detecting the physical presence of the user comprises: using a detector in combination with an appliance gateway to detect the physical presence of the user (Col. 6 lines 20-45 and Col. 8 lines 35-64).

16. With respect to Claim 4, Harris teaches all the limitations of Claim 1 and further teaches wherein providing the personalized service to the user based upon the physical presence of the user comprises: using an appliance gateway to provide the personalized service to the user based upon the physical presence of the user (Col. 8 lines 35-64 and Col. 10 lines 6-23).

17. With respect to Claim 5, Harris teaches all the limitations of Claim 1 and further teaches wherein detecting physical presence of the user comprises: identifying the user (Col. 8 lines 6-20 and Col. 10 lines 1-23 and lines 48-64).

18. With respect to Claim 7, Harris teaches all the limitations of Claim 5 and further teaches wherein providing the personalized service to the user based upon the physical presence of the user comprises: providing the personalized service to the user based upon the identify of the user (Col. 10 lines 1-23 and note each example embodiment from cols 13-20).

19. With respect to Claim 8, Harris teaches all the limitations of Claim 7 and further teaches wherein providing the personalized service to the user based upon the physical presence of the user comprises: obtaining user-specific information based upon the identity of the user; and providing the personalized service to the user based upon the user-specific information (Col. 10 lines 1-23).

20. With respect to Claim 9, Harris teaches all the limitations of Claim 8 and further teaches wherein the user-specific information comprises at least one of: per-user rules; user-defined rules; user preferences; and user applications (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

21. With respect to Claim 10, Harris teaches all the limitations of Claim 8 and further teaches wherein obtaining user-specific information based upon the identity of the user comprises at least one of: retrieving the user-specific information from a local storage of an appliance gateway; retrieving the user-specific information from the device; retrieving the user-specific information from another device; and retrieving the user-specific information from a remote storage over a communication network (Col. 8 lines 6-20, Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

22. With respect to Claim 11, Harris teaches all the limitations of Claim 8 and further teaches wherein obtaining user-specific information based upon the identity of the user comprises: logically inferring some user-specific information from other user-specific information (Col. 14 lines 3-54).

23. With respect to Claim 12, Harris teaches all the limitations of Claim 7 and further teaches wherein providing the personalized service for the user based upon the identity of the user comprises at least one of: obtaining the information for the user; anticipating needs of the user and providing said needs; updating user preference information; simplifying device control for the user/handling a user schedule; and providing reminders to the user (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-54).

24. With respect to Claim 13, Harris teaches all the limitations of Claim 7 and further teaches wherein the personalized service to the user based upon the identity of the user comprises: establishing a personal area network for the user based upon the identity of the user (Col. 6 lines 20-27), and providing the personalized service to the user within the personal area network (Col. 10 lines 1-23).

25. With respect to Claim 14, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: providing information to the user within the personal area network (Col. 20 line 23 - Col. 21 line 52).

26. With respect to Claim 15, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: monitoring a supported device within the personal area network (Col. 16 line 11-21 and Col. 17 lines 30-41 and Fig. 19).

27. With respect to Claim 16, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: monitoring a user within the personal area network (Col. 16 line 11-21 and Col. 17 lines 30-41 and Fig. 19).

28. With respect to Claim 18, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: retrieving information for the user over a communication network (Col. 20 line 23 - Col. 21 line 52).

29. With respect to Claim 19, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: determining a user preference for a supported device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

30. With respect to Claim 20, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: updating user preference information to include the user preference for the supported device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24)

31. With respect to Claim 21, Harris teaches an apparatus comprising: user detection logic operably coupled to detect physical presence of a user (Col. 6 lines 20-45), wherein the detection logic detects that the user is currently in close physical proximity to the communication system based on detection of at least one physical attribute of the user (Col. 6 lines 20-45); and personal agent logic responsive to the user detection logic and operably coupled to provide personalized service to the user based upon the physical presence of the user user (Col. 6 lines 20-45 and Col. 9 line 52 - Col. 10 line 23).

32. With respect to Claim 22, Harris teaches all the limitations of Claim 21 and further teaches wherein the user detection logic comprises a detector for detecting the physical presence of the user (Col. 6 lines 20-45 and Col. 9 lines 10-20).

33. With respect to Claim 23, Harris teaches all the limitations of Claim 21 and further teaches wherein the user detection logic is coupled to a detector for detecting the physical presence of the user (Col. 6 lines 20-45 and Col. 9 lines 10-20).

34. With respect to Claim 24, Harris teaches all the limitations of Claim 21 and further teaches wherein the user detection logic is operably coupled to identify the user (Col. 8 lines 6-20 and Col. 10 lines 1-23 and lines 48-64).

35. With respect to Claim 26, Harris teaches all the limitations of Claim 24 and further teaches wherein the personal agent logic is operably coupled to provide the personalized service to the user based upon the identity of the user (Col. 10 lines 1-23 and note each example embodiment from cols 13-20).

36. With respect to Claim 27, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to obtain user-specific information based upon the identity of the user and provide the personalized service to the user based upon the user-specific information (Col. 10 lines 1-23).

37. With respect to Claim 28, Harris teaches all the limitations of Claim 27 and further teaches wherein the user-specific information comprises at least one of: per-user rules, user-defined rules; user preferences; and user applications (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

38. With respect to Claim 29, Harris teaches all the limitations of Claim 27 and further teaches wherein the personal agent logic is operably coupled to retrieve the user-specific information from at least one of: a local storage; a supported device; and a

remote storage over a communication network (Col. 8 lines 6-20, Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

39. With respect to Claim 30, Harris teaches all the limitations of Claim 27 and further teaches wherein the personal agent logic is operably coupled to logically infer some user-specific information from other user-specific information (Col. 14 lines 3-54).

40. With respect to Claim 31, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to obtain information for the user (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-54).

41. With respect to Claim 32, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to anticipate needs of the user (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-54).

42. With respect to Claim 33, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to update user preference information device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

43. With respect to Claim 34, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to simplify device control for the user (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

44. With respect to Claim 35, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to handle a user schedule (Col. 20 lines 23 – Col. 21 line 15 and Col. 3 lines 20-30).

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45. With respect to Claim 37, Harris teaches all the limitations of Claim 26 and further teaches wherein the personal agent logic is operably coupled to establish a personal area network for the user (Col. 6 lines 20-27) based upon the identity of the user and provide the personalized service to the user within the personal area network (Col. 10 lines 1-23).

46. With respect to Claim 38, Harris teaches all the limitations of Claim 37 and further teaches wherein the personal agent logic is operably coupled to provide information to the user within the personal area network (Col. 20 line 23 - Col. 21 line 52).

47. With respect to Claim 39, Harris teaches all the limitations of Claim 37 and further teaches wherein the personal agent logic is operably coupled to monitor a supported device within the personal area network (Col. 16 line 11-21 and Col. 17 lines 30-41 and Fig. 19).

48. With respect to Claim 40, Harris teaches all the limitations of Claim 37 and further teaches wherein the personal agent logic is operably coupled to monitor the user within the personal area network (Col. 16 line 11-21 and Col. 17 lines 30-41 and Fig. 19).

49. With respect to Claim 42, Harris teaches all the limitations of Claim 37 and further teaches wherein the personal agent logic is operably coupled to retrieve information for the user over a communication network (Col. 20 line 23 - Col. 21 line 52).

50. With respect to Claim 43, Harris teaches all the limitations of Claim 37 and further teaches wherein the personal agent logic is operably coupled to determining a user preference for a supported device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

51. With respect to Claim 44, Harris teaches all the limitations of Claim 43 and further teaches wherein the personal agent logic is operably coupled to update user preference information to include the user preference for the supported device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

52. With respect to Claim 45, Harris teaches a computer program for controlling a computer system, the computer program comprising: user detection logic programmed to detect physical presence of a user (Col. 6 lines 20-45), wherein the detection logic detects that the user is currently in close physical proximity to the communication system based on detection of at least one physical attribute of the user (Col. 6 lines 20-45); and personal agent logic responsive to the user detection logic and programmed to provide personalized service to the user based upon the physical presence of the user (Col. 6 lines 20-45 and Col. 9 line 52 - Col. 10 line 23).

53. With respect to Claim 46, Harris teaches all the limitations of Claim 45 and further teaches wherein the user detection logic comprises a detector for detecting the physical presence of the user (Col. 6 lines 20-45 and Col. 9 lines 10-20).

54. With respect to Claim 47, Harris teaches all the limitations of Claim 45 and further teaches wherein the user detection logic is coupled to a detector for detecting the physical presence of the user (Col. 6 lines 20-45 and Col. 9 lines 10-20).

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55. With respect to Claim 48, Harris teaches all the limitations of Claim 45 and further teaches wherein the user detection logic is programmed to identify the user (Col. 8 lines 6-20 and Col. 10 lines 1-23 and lines 48-64).

56. With respect to Claim 50, Harris teaches all the limitations of Claim 48 and further teaches wherein the personal agent logic is programmed to provide the personalized service to the user based upon the identity of the user (Col. 10 lines 1-23 and note each example embodiment from cols 13-20).

57. With respect to Claim 51, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to obtain user-specific information based upon the identity of the user and provide the personalized service to the user based upon the user-specific information (Col. 10 lines 1-23).

58. With respect to Claim 52, Harris teaches all the limitations of Claim 51 and further teaches wherein the user-specific information comprises at least one of: per-user rules, user-defined rules; user preferences; and user applications (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

59. With respect to Claim 53, Harris teaches all the limitations of Claim 51 and further teaches wherein the personal agent logic is programmed to retrieve the user-specific information from at least one of: a local storage; a supported device; and a remote storage over a communication network (Col. 8 lines 6-20, Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

60. With respect to Claim 54, Harris teaches all the limitations of Claim 51 and further teaches wherein the personal agent logic is programmed to logically infer some user-specific information from other user-specific information (Col. 14 lines 3-54).

61. With respect to Claim 55, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to obtain information for the user (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-54).

62. With respect to Claim 56, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to anticipate needs of the user and provide said needs (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-54).

63. With respect to Claim 57, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to update user preference information device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

64. With respect to Claim 58, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to simplify device control for the user (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

65. With respect to Claim 59, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to handle a user schedule (Col. 20 lines 23 – Col. 21 line 15 and Col. 3 lines 20-30).

66. With respect to Claim 61, Harris teaches all the limitations of Claim 50 and further teaches wherein the personal agent logic is programmed to establish a personal

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area network for the user (Col. 6 lines 20-27) based upon the identity of the user and provide the personalized service to the user within the personal area network (Col. 10 lines 1-23).

67. With respect to Claim 62, Harris teaches all the limitations of Claim 61 and further teaches wherein the personal agent logic is programmed to provide information to the user within the personal area network (Col. 20 line 23 - Col. 21 line 52).

68. With respect to Claim 63, Harris teaches all the limitations of Claim 61 and further teaches wherein the personal agent logic is programmed to monitor a supported device within the personal area network (Col. 16 line 11-21 and Col. 17 lines 30-41 and Fig. 19).

69. With respect to Claim 64, Harris teaches all the limitations of Claim 61 and further teaches wherein the personal agent logic is programmed to monitor the user within the personal area network (Col. 16 line 11-21 and Col. 17 lines 30-41 and Fig. 19).

70. With respect to Claim 66, Harris teaches all the limitations of Claim 61 and further teaches wherein the personal agent logic is programmed to retrieve information for the user over a communication network (Col. 20 line 23 - Col. 21 line 52).

71. With respect to Claim 67, Harris teaches all the limitations of Claim 61 and further teaches wherein the personal agent logic is programmed to determining a user preference for a supported device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

72. With respect to Claim 68, Harris teaches all the limitations of Claim 67 and further teaches wherein the personal agent logic is programmed to update user preference information to include the user preference for the supported device (Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

73. With respect to Claim 69, Harris teaches all the limitations of Claim 45 and further teaches embodiment in a computer readable medium (Col. 8 lines 6-20).

74. With respect to Claim 70, Harris teaches all the limitations of Claim 45 and further teaches embodiment in a data signal (Col. 28 lines 48-53).

75. With respect to Claim 71, Harris teaches a system for providing personalized services, the system comprising a gateway operably coupled to detect physical presence of a user (Col. 6 lines 20-45 and Col. 8 lines 35-64) and provide personalized services to the user based upon the physical presence of the user (Col. 6 lines 20-45 and Col. 9 line 52 - Col. 10 line 23), wherein the gateway detects that the user is currently in close physical proximity to the gateway based on detection of at least one physical attribute of the user (Col. 6 lines 20-45).

76. With respect to Claim 72, Harris teaches all the limitations of Claim 71 and further teaches a physical presence detector in communication with the gateway for providing physical presence information to the gateway user (Col. 6 lines 20-45, Col. 8 lines 35-64 and Col. 9 line 52 - Col. 10 line 23).

77. With respect to Claim 73, Harris teaches all the limitations of Claim 71 and further teaches wherein the gateway is operably coupled to determine an identity of the user based upon the physical presence of the user and provide the personalized service

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to the user based upon the identity of the user (Col. 10 lines 1-23 and note each example embodiment from cols 13-20).

78. With respect to Claim 74, Harris teaches all the limitations of Claim 71 and further teaches wherein the gateway is operably coupled to obtain user-specific information and provide the personalized services to the user based upon the user-specific information (Col. 10 lines 1-23).

79. With respect to Claim 75, Harris teaches all the limitations of Claim 74 and further teaches wherein the gateway is operably coupled to obtain the user-specific information from at least one of: a local storage of the computer system; a supported device of the computer system; and a remote storage over a communication network (Col. 8 lines 6-20, Col. 10 lines 1-23, Col. 12 lines 40-67, and Col. 14 lines 3-24).

Claim Rejections - 35 USC § 103

80. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

81. Claim 6, 25 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of U.S. Patent 6,104,913 by McAllister (McAllister).

82. With respect to Claim 6, Harris teaches all the limitations of Claim 1 but does not explicitly disclose identifying the user based upon biometric information. McAllister teaches a similar system for providing a personalized service based on the detection of

the presence of a user (see abstract). McAllister further teaches the user can be identified based upon biometric information (Col. 8 line 62 - Col. 9 line 3). This allows for positive authentication of a user and stronger protection against fraudulent use (Col. 6 lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Harris and modify it as indicated by McAllister such that the method further comprises identifying the user based upon biometric information. One would be motivated to have this, as there is need for improving authentication and reducing fraudulent activity in systems providing personalized services (In McAllister: Col. 5 line 54 - Col. 6 line 13).

83. With respect to Claim 25, Harris teaches all the limitations of Claim 24 but does not explicitly teach wherein the user detection logic is operably coupled to identify the user based upon biometric information. McAllister teaches a similar system for providing a personalized service based on the detection of the presence of a user (see abstract). McAllister further teaches the user can be identified based upon biometric information (Col. 8 line 62 - Col. 9 line 3). This allows for positive authentication of a user and stronger protection against fraudulent use (Col. 6 lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Harris and modify it as indicated by McAllister such that the apparatus further comprises wherein the user detection logic is operably coupled to identify the user based upon biometric information. One would be motivated to have this, as there is need for improving authentication and reducing

fraudulent activity in systems providing personalized services (In McAllister: Col. 5 line 54 - Col. 6 line 13).

84. With respect to Claim 49, Harris teaches all the limitations of Claim 48 but does not explicitly teach wherein the user detection logic is programmed to identify the user based upon biometric information. McAllister teaches a similar system for providing a personalized service based on the detection of the presence of a user (see abstract). McAllister further teaches the user can be identified based upon biometric information (Col. 8 line 62 - Col. 9 line 3). This allows for positive authentication of a user and stronger protection against fraudulent use (Col. 6 lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the program disclosed by Harris and modify it as indicated by McAllister such that the program further comprises wherein the user detection logic is operably coupled to identify the user based upon biometric information. One would be motivated to have this, as there is need for improving authentication and reducing fraudulent activity in systems providing personalized services (In McAllister: Col. 5 line 54 - Col. 6 line 13).

85. Claim 17, 36, 41, 60 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of U.S. Patent 5,493,692 by Theimer et al. (Theimer).

86. With respect to Claim 17, Harris teaches all the limitations of Claim 13 and further teaches wherein providing the personalized service to the user within the personal area network comprises: maintaining a schedule for the user.

Harris does not explicitly disclose providing a reminder to the user within the personal area network. Theimer teaches a reminder can be provided to a user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Harris and modify it as indicated by Theimer such that the method further comprises providing a reminder to the user within the personal area network. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

87. With respect to Claim 36, Harris teaches all the limitations of Claim 26 but does not explicitly disclose providing reminders to the user. Theimer teaches a reminder can be provided to a user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Harris and modify it as indicated by Theimer such that the apparatus further comprises wherein the personal agent logic is operably coupled to provide reminders to the user. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

88. With respect to Claim 41, Harris teaches all the limitations of Claim 37 and further teaches wherein the personal agent logic is operably coupled to maintain a schedule for the user (Col. 20 lines 23 – Col. 21 line 15 and Col. 3 lines 20-30).

Harris does not explicitly disclose providing a reminder to the user within the personal area network. Theimer teaches a reminder can be provided to a user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Harris and modify it as indicated by Theimer such that the apparatus further comprises providing a reminder to the user within the personal area network. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

89. With respect to Claim 60, Harris teaches all the limitations of Claim 50 but does not explicitly disclose providing reminders to the user. Theimer teaches a reminder can be provided to a user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the program disclosed by Harris and modify it as indicated by Theimer such that the program further comprises wherein the personal agent logic is programmed to provide reminders to the user. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

90. With respect to Claim 65, Harris teaches all the limitations of Claim 61 and further teaches wherein the personal agent logic is programmed to maintain a schedule for the user (Col. 20 lines 23 – Col. 21 line 15 and Col. 3 lines 20-30).

Harris does not explicitly disclose providing a reminder to the user within the personal area network. Theimer teaches a reminder can be provided to a user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the program disclosed by Harris and modify it as indicated by Theimer such that the program further comprises providing a reminder to the user within the personal area network. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

Conclusion

91. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
92. U.S. Patent 6,487,180 by Borgstahl et al. "Personal Information System Using Proximity Based Short Range Wireless Links" November 26, 2002. Discloses similar system as Harris but provides different embodiments.
93. Zimmerman, T., "Personal Area Networks: Near-Field intrabody communication", 1996, IBM Systems journal, Vol. 35. Nos 3&4. Discloses general state of the art in relation to Personal Area Networks and using the body for transmission activity.

94. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
August 11, 2005


BHARAT BAROT
PRIMARY EXAMINER